



AN BILLE FÍNEÁLACHA 2004
FINES BILL 2004

Mar a tionscnaíodh
As initiated

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AN BILLE FÍNEÁLACHA 2004
FINES BILL 2004

BILL

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entitled

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AN ACT TO UPDATE FINES AND OTHER MONETARY AMOUNTS IN LEGISLATION IN LINE WITH INFLATION IN RESPECT OF ANY PAST ENACTMENTS AND TO PROVIDE FOR THE PROSPECTIVE INDEXATION OF FINES AND OTHER MONETARY AMOUNTS CONTAINED IN ANY FUTURE ENACTMENTS; TO AMEND THE STATUTE LAW (RESTATEMENT) ACT 2002; TO PROVIDE FOR THE PAYMENT OF FINES BY INSTALMENTS; TO PROVIDE FOR MEANS TO BE TAKEN INTO CONSIDERATION IN THE IMPOSITION OF FINES AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—This Act may be cited as the Fines Act 2004.

Short title.

2.—In this Act—

Interpretation.

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“enactment” means an Act or statutory instrument or any portion of an Act or statutory instrument;

“Minister” means the Minister for Justice, Equality and Law Reform;

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“the Table” means the Table set out in the *Schedule* to this Act, as updated at 5 yearly intervals by Ministerial regulations.

3.—With effect from 1 January 2005, in every enactment passed or made before 31 December 2001, by reference to—

Updating past monetary amounts.

30

(a) the category of the year of enactment in *column I* of the Table, for each Irish punt monetary amount mentioned in *column III* of the Table there shall be substituted the Euro amount mentioned in *column IV* of the Table, or

- (b) the category of the year of enactment in *column I* of the Table, there shall be substituted the Euro amount following a calculation which has been made by reference to the Euro unit value in *column II* and where necessary shall be rounded downwards to the nearest €5 unit. 5

Updating monetary
amounts table
prospectively.

4.—(1) Commencing in 2007, the Minister shall, by regulation at five yearly intervals, reproduce the Table to—

- (a) update the monetary amounts set out in *column IV* of the Table in line with the rate of inflation as identified in the Consumer Price Index from year to year, 10
- (b) make further insertions where required—
- (i) to insert a new year of enactment period in respect of the five years which have elapsed since the last dated period in *column I* of the Table,
- (ii) to calculate and insert into *column II* a new unit value, 15
in respect of that period,
- (iii) to calculate and insert into *column IV* new monetary amounts in respect of that period, with corresponding insertions in *column III*.

(2) The amounts in *column IV* of the Table shall where necessary 20
be rounded downwards to the nearest €5 unit.

Updating future
monetary amounts.

5.—With effect from 31 January 2007, in every enactment passed or made after 31 December 2001, by reference to—

- (a) the category of the year of enactment in *column I* of the Table, each Euro monetary amount mentioned in *column 25*
III of the Table there shall be substituted the Euro amount mentioned in *column IV* of the Table, or
- (b) the category of the year of enactment in *column I* of the Table, there shall be substituted the Euro amount following a calculation which has been made by reference to 30
the Euro unit value in *column II* and where necessary shall be rounded downwards to the nearest €5 unit.

Form of
amendments.

6.—(1) Every enactment affected by this Act and by any subsequent regulations made under this Act, shall be deemed to have been textually amended so as to replace the monetary amounts 35
shown in *column III* with the monetary amounts as shown in *column IV* of the Table.

(2) The Statute Law (Restatement) Act 2002 is amended in section 2 by inserting the following new subsection after subsection 40
(3)—

“(4) A restatement shall reflect the changes made to monetary amounts as effected by or as a result of the *Fines Act 2004*.”.

Summary offence
saving.

7.—(1) For the avoidance of doubt, nothing in this Act or regulations made under this Act shall require the imposition of a fine or a penalty which exceeds €3,000 in respect of any one summary offence. 45

(2) The Minister may by regulations at such times as he or she deems necessary, amend the amount provided in *subsection (1)*.

5 **8.—**(1) Updated monetary amounts shall not apply in respect of the imposition of fines or penalties imposed in respect of acts or omissions committed prior the enactment of this Act. Saving.

(2) Updated monetary amounts set out in regulations made under this Act shall not apply in respect of the imposition of fines or penalties imposed in respect of acts or omissions committed prior the making of the regulations.

10 **9.—**The Minister may, by regulations provide for the establishment of procedures under which a court may order payment of a fine by way of instalments. Payment of fines by instalments.

15 **10.—**The Minister may, by regulations provide for the establishment of procedures under which a court, when imposing a fine, must take into consideration the means of the offender. Assessment of means procedure.

11.—(1) The Minister may, by regulations provide for any matter referred to in this Act as the subject of regulation. Regulations.

20 (2) Regulations made under this section shall be laid before the Houses of the Oireachtas in draft form and shall not be made until affirmed by a positive resolution of each House.

SCHEDULE

TABLE

Version I

Published: November 2004

Covering Period: 1922 to 2001 (inclusive)

5

COLUMN I Year of enactment	COLUMN II Unit Value	COLUMN III Past monetary amount	COLUMN IV Updated monetary amount	
	€	£	€	10
1922-1926	55.90	1 2 5 10 15 20 25 50 100	55 110 275 555 835 1,115 1,395 2,795 5,590	15
1927-1931	59.71	1 2 5 10 15 20 25 50 100 500	55 115 295 595 895 1,190 1,490 2,985 5,970 29,855	20 25
1932-1936	69.13	1 2 5 10 15 20 25 50 100 500	65 135 345 690 1,035 1,380 1,725 3,455 6,910 34,565	30 35
1937-1941	59.04	1 2 5 10 15 20 25 50 100 500	55 115 295 590 885 1,180 1,475 2,950 5,904 29,520	40 45
1942-1946	35.62	1 2 5 10 15 20 25 50 100 500	35 70 175 355 530 710 890 1,780 3,560 17,810	50 55

	COLUMN I Year of enactment	COLUMN II Unit Value	COLUMN III Past monetary amount	COLUMN IV Updated monetary amount
5		€	£	€
	1947-1951	33.04	1 2 5 10 15 20 25 50 100 500	30 65 165 330 495 660 825 1,650 3,300 16,520
10				
	1952-1956	26.32	1 5 10 15 20 25 50 100 500 1,000	25 130 260 390 525 655 1,315 2,630 13,160 26,320
20				
	1957-1961	22.63	1 5 10 15 20 25 50 100 500 1,000	20 110 225 335 450 565 1,130 2,260 11,315 22,630
25				
	1962-1966	19.22	1 5 10 15 20 25 50 100 500 1,000	15 95 190 285 380 480 960 1,920 9,610 19,220
40				
	1967 - 1971	15.31	1 5 10 15 20 25 50 100 500 1,000	15 75 150 225 305 380 765 1,530 7,655 15,310
50				
	1972 - 1976	9.18	1 5 10 15 20 25 50 100 250 500 1,000	5 45 90 135 180 225 455 915 2,295 4,590 9,180
55				
60				
65				

COLUMN I Year of enactment	COLUMN II Unit Value	COLUMN III Past monetary amount	COLUMN IV Updated monetary amount	
	€	£	€	5
1977 - 1981	4.64	1 5 10 15 20 25 50 100 250 500 1,000 3,000 5,000	- 20 45 65 90 115 230 460 1,160 2,320 4,640 13,920 23,200	10 15
1982 - 1986	2.49	1 10 15 20 25 50 100 150 250 350 500 800 1,000 3,000 5,000 10,000 50,000	- 20 35 45 60 120 245 370 620 870 1,245 1,990 2,490 7,470 12,450 24,900 124,500	20 25 30 35
1987 - 1991	1.93	1 10 50 100 200 500 750 800 1,000 2,000 10,000 20,000 25,000 50,000	- 15 95 190 385 965 1,447 1,540 1,930 3,860 19,300 38,600 48,250 96,500	40 45
1992 - 1996	1.69	1 50 100 200 250 500 750 800 1,000 1,500 2,000 10,000 20,000 25,000 50,000 100,000 200,000	- 80 165 335 420 845 1,265 1,350 1,690 2,535 3,380 16,900 33,800 42,250 84,500 169,000 338,000	50 55 60 65

	COLUMN I Year of enactment	COLUMN II Unit Value	COLUMN III Past monetary amount	COLUMN IV Updated monetary amount
5		€	£	€
	1997 - 2001	1.53	1	-
			50	75
			100	150
			250	380
10			500	765
			1,000	1,530
			1,500	2,295
			2,000	3,060
			3,000	4,590
15			5,000	7,650
			10,000	15,300
			20,000	30,600
			50,000	117,045
			100,000	153,000
20			200,000	306,000